

Attorney Docket No. C038435/0185010

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

SQS GENE

the specification of which

(check one)

☒

is attached hereto

☐

was filed on _____ as

Application Serial No. _____

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or (f), of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>02.021619.8</u>	<u>Europe</u>	<u>27 September 2002</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
 _____	 _____	 _____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

Rec'd PCT/PTO 29 SEP 2005

the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

(6) Stephen M. Haracz	Reg.No. <u>33397</u>	Stephen J. Brown	Reg.No. <u>43519</u>
Warren K. MacRae	Reg.No. <u>37876</u>	Gonzalo Merino	Reg.No. <u>51192</u>
Kevin C. Hooper	Reg.No. <u>40402</u>	Charles Avigliano	Reg.No. <u>52578</u>

ADDRESS ALL CORRESPONDENCE TO:

Stephen M. Haracz, Esq., Bryan Cave LLP, 1290 Avenue of the Americas, New York, NY 10104-3300

DIRECT ALL TELEPHONE CALLS TO:

Stephen M. Haracz - (212) 541-2000

1-00 Full name of sole or first inventor

Tatsuo HOSHINO

Inventors signature

Tatsuo Hoshino

Date

March 12, 2005

Residence

Kamakura-shi, Kanagawa 248-0027, Japan

JPX

Citizenship

Japanese

Post Office Address

2-18-14 Fueta, Kamakura-shi, Kanagawa-ken, Kanagawa 248-0027, Japan

2-00 Full name of sole or first inventor

Kazuyuki OJIMA

Inventors signature

Kazuyuki Ojima

Date

March 12, 2005

Residence

Kanagawa-ken, Kanagawa 251-0877, Japan

JPX

Citizenship

Japanese

Post Office Address

3-22-304 Zengyodanchi, Fujisawa-shi, Kanagawa-ken, Kanagawa 251-0877, Japan

3-00 Full name of second joint inventor

Yutaka SETOGUCHI

Inventors signature

Yutaka Setoguchi

Date

March 29, 2005

Residence

Kanagawa-ken, Kanagawa 251-0033, Japan

JPX

Citizenship

Japanese

Post Office Address

4-27-2 Kataseyama, Fujisawa-shi, Kanagawa-ken, Kanagawa 251-0033, Japan

(Supply similar information and signature for subsequent joint inventors)

Title 37, Code of Federal Regulations, § 1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The Duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.